REMARKS

Claims 1, 3-7, 9, 10, 12-16, 18, 25-27, 29, 30, 32-35 and 37 are pending in the present application. By this amendment, claims 1, 9, 10, 18, 25, 29, 30, 32-35 and 37 are amended, and claims 2, 8, 11, 17, 19-24, 28, 31 and 36 are canceled without prejudice.

Claims 1, 4-8, 10, 13-17, 25, 27-28, 30 and 33-36 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,076,113 to Ramanathan et al. (Ramanathan).

The Examiner indicated that claims 3, 9, 12, 18, 26, 29, 32 and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants respectfully traverse the above rejection for the following reasons.

Claim 1 has been amended to recited:

"A method comprising:

incrementing a flow indication counter indicating an updated number of data packets transmitted from a buffer in a base transceiver station;

when said updated number of data packets transmitted from said buffer is equal to or greater than a threshold number, determining a window size of said buffer available to store data packets;

generating a flow indication message, said flow indication message indicating said window size;

transmitting said flow indication message to a base station controller;

keeping track of an elapsed time since the transmission of a last message; and

generating said flow indication message when said elapsed time is equal to or greater than a threshold time interval,

wherein the buffer size is used by the base station controller to determine the amount of data to transmit to the base transceiver station, and

wherein the keeping track of the elapsed time ensures that the flow indication message is sent at the threshold time interval independently of the number of packets transmitted from the buffer." (Emphases added.)

A feature of the claimed invention is it keeps track of an elapsed time since the transmission of the last message and triggers the generation and transmission of a flow indication message when the elapsed time equals to or exceeds a threshold time interval. The claimed invention ensures that a flow indication is sent at least every threshold time interval independently of the number of data packets transmitted from the buffer.

Ramanathan relates to a system and method for minimizing test traffic (packets). Referring to Col. 7, lines 26-29, Ramanathan states that the system "determines the packet size, the number of packets to be transmitted, and the maximum test time (i.e., the maximum time allowed for transmission)." (Emphasis added.) However, Ramanathan does not disclose "keeping track of an elapsed time since the transmission of a last message; generating said flow indication message when said elapsed time is equal to or greater than a threshold time interval, ... wherein the keeping track of the elapsed time ensures that the flow indication message is sent at the threshold time interval independently of the number of packets transmitted from the buffer" as recited in amended claim 1. Since Ramanathan does not disclose each and every limitation of the claimed invention, applicants respectfully submit that claim 1 is allowable over Ramanathan.

Independent claims 10, 25 and 30 have been amended to include features similar to those of claim 1, and the remaining claims depend from at least one of claims 1, 10, 25 and 30 so they all should be allowable over Ramanathan.

REQUEST FOR ALLOWANCE

In view of the foregoing, applicants respectfully submit that all of the pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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